



February 14, 2003

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## HOUSE BILL No. 1144

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DIGEST OF HB 1144 (Updated February 11, 2003 3:26 PM - DI 92)

**Citations Affected:** IC 4-21.5; IC 12-7; IC 12-17.2; noncode.

**Synopsis:** Regulation of child care providers. Requires a license exempt child care provider to register with the division of family and children. Makes conforming amendments. (The introduced version of this bill was prepared by the board for the coordination of child care regulation.)

**Effective:** July 1, 2003.

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### Crawford

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January 7, 2003, read first time and referred to Committee on Public Health.  
January 28, 2003, amended, reported — Do Pass. Referred to Committee on Ways and Means.  
February 13, 2003, reported — Do Pass.

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HB 1144—LS 6126/DI 97+



February 14, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1144

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.1-2002,  
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 6. (a) This article does not apply to the  
4 formulation, issuance, or administrative review (but does, except as  
5 provided in subsection (b), apply to the judicial review and civil  
6 enforcement) of any of the following:

7 (1) Determinations by the division of family and children, **except**  
8 **a determination under IC 12-17.2-7-2.**

9 (2) Determinations by the alcohol and tobacco commission.

10 (3) Determinations by the office of Medicaid policy and planning  
11 concerning recipients and applicants of Medicaid. However, this  
12 article does apply to determinations by the office of Medicaid  
13 policy and planning concerning providers.

14 (4) A final determination of the Indiana board of tax review.

15 (b) IC 4-21.5-5-12 and IC 4-21.5-5-14 do not apply to judicial  
16 review of a final determination of the Indiana board of tax review.

17 SECTION 2. IC 12-7-2-28.6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28.6. (a) "Child care home", for purposes of IC 12-17.2, means a residential structure in which at least six (6) children (not including ~~the children for whom who are related to~~ the provider) is ~~a parent, stepparent, guardian, custodian, or other relative~~) at any time receive child care from a provider:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

(b) The term includes:

- (1) a class I child care home; and
- (2) a class II child care home.

SECTION 3. IC 12-17.2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The division shall perform the following duties:

- (1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.
- (2) Ensure that a criminal history background check of the applicant is completed before issuing a license.
- (3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.
- (4) Provide for the issuance, denial, suspension, and revocation of licenses.
- (5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.
- (6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.
- (7) Deposit all license application fees **and registration fees** collected under section 2 of this chapter in the child care fund.
- (8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

SECTION 4. IC 12-17.2-2-2, AS AMENDED BY P.L.215-2001, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2003]: Sec. 2. The division may do the following:

(1) Prescribe forms for reports, statements, notices, and other documents required by this article or by the rules adopted under this article.

(2) Increase public awareness of this article and the rules adopted under this article by preparing and publishing manuals and guides explaining this article and the rules adopted under this article.

(3) Facilitate compliance with and enforcement of this article through the publication of materials under subdivision (2).

(4) Prepare reports and studies to advance the purpose of this article.

(5) Seek the advice and recommendations of state agencies whose information and knowledge would be of assistance in writing, revising, or monitoring rules developed under this article. These agencies, including the office of the attorney general, state department of health, division of mental health and addiction, bureau of criminal identification and investigation, and fire prevention and building safety commission, shall upon request supply necessary information to the division.

(6) Make the directory of licensees available to the public for a charge not to exceed the cost of reproducing the directory.

(7) Charge a reasonable processing fee for each license application and renewal as follows:

(A) For a child care center license, a fee of two dollars (\$2) per licensed child capacity.

(B) For a child care center new inquiry application packet, a fee not to exceed five dollars (\$5).

(C) For a child care home license new inquiry application packet, a fee not to exceed five dollars (\$5).

(D) For a child care home annual inspection, a fee not to exceed twenty-five dollars (\$25).

**(8) Charge a processing fee not to exceed five dollars (\$5) for registration of a license exempt child care provider under IC 12-17.2-7.**

**(9) Exercise any other regulatory and administrative powers necessary to carry out the functions of the division.**

SECTION 5. IC 12-7-2-123.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: "**License exempt child care provider**" means a person who:

**(1) is more than eighteen (18) years of age; and**

**(2) provides child care for at least one (1) child but less than**



1           six (6) children who are not related to the person:

2           (A) while each child is unattended by a parent, legal  
3           guardian, or custodian;

4           (B) for regular compensation; and

5           (C) for more than four (4) hours but less than twenty-four  
6           (24) hours per day in each of ten (10) consecutive days per  
7           year, excluding intervening Saturdays, Sundays, and  
8           holidays.

9           SECTION 6. IC 12-17.2-7 IS ADDED TO THE INDIANA CODE  
10          AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11          JULY 1, 2003]:

12          **Chapter 7. Registration of License Exempt Child Care**  
13          **Providers**

14          **Sec. 1.** A license exempt child care provider shall, on a form  
15          approved by the division, register with the division not more than  
16          thirty (30) days after the license exempt child care provider begins  
17          to provide child care.

18          **Sec. 2.** If the division, after a hearing conducted under  
19          IC 4-21.5-3, determines that a license exempt child care provider  
20          has knowingly failed to register as required under this chapter, the  
21          division shall assess against the license exempt child care provider  
22          a civil penalty of one hundred dollars (\$100).

23          **Sec. 3.** Penalties assessed under section 2 of this chapter shall be  
24          deposited in the child care fund established by IC 12-17.2-2-3.

25          **Sec. 4.** The division shall adopt rules under IC 4-22-2 to  
26          implement this chapter.

27          SECTION 7. [EFFECTIVE JULY 1, 2003] Notwithstanding  
28          IC 12-17.2-7-1, as added by this act, a person who, on June 30,  
29          2003, met the definition of license exempt child care provider set  
30          forth in IC 12-7-2-123.5, as added by this act, shall register with  
31          the division not later than January 1, 2004.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1144 as introduced.)

BROWN C, Chair

Committee Vote: yeas 11, nays 1.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 18, nays 9.

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